

MANDATE

Cly

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Caption [use short title]

Docket Number(s): 06-cv-38(vm)/07-3266-prMotion for: Abeyance or Dismissal

Set forth below precise, complete statement of relief sought:

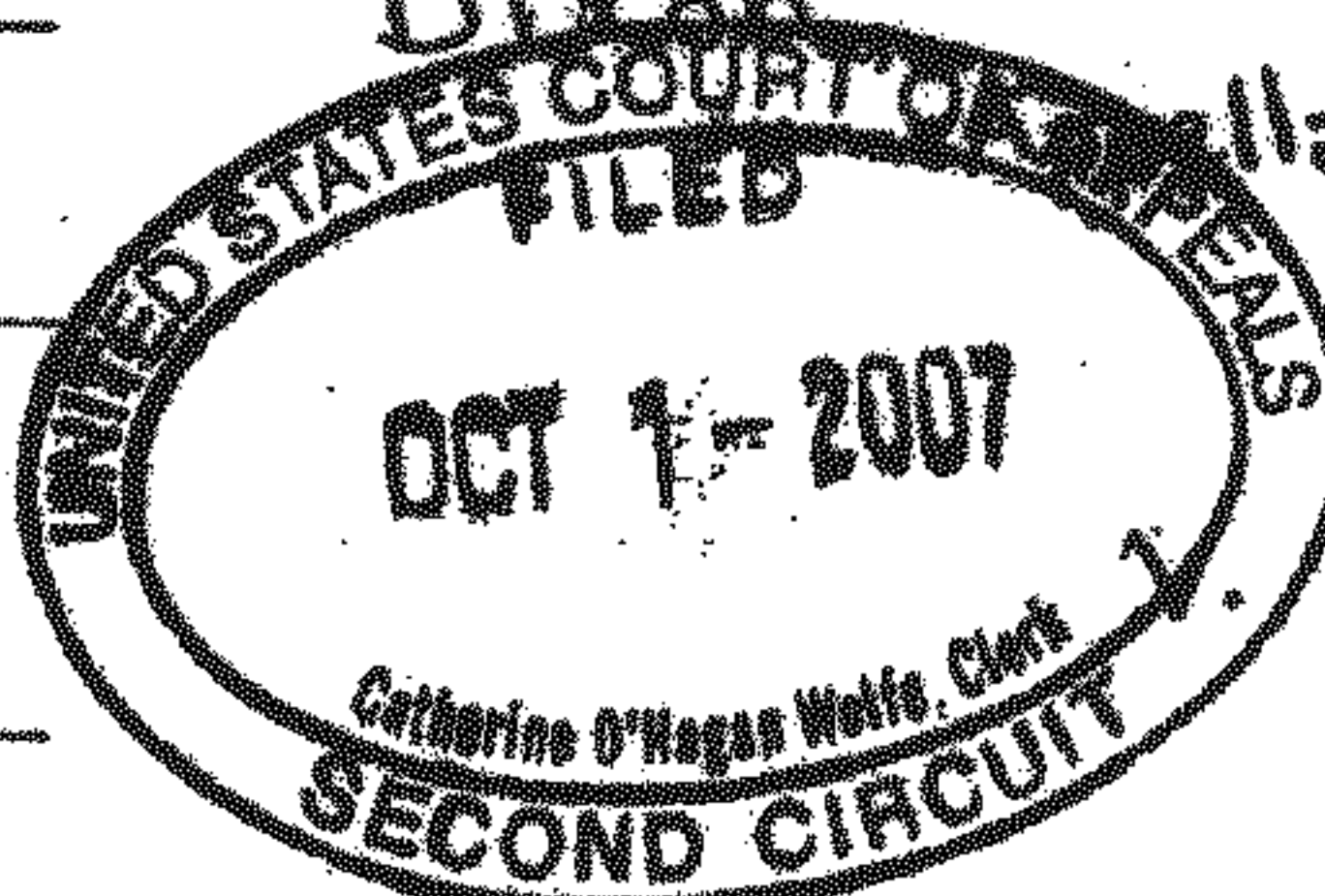
To hold Appeal in Abeyance or dismiss
appeal only if Filing Fee has not been
charged to my facility account!

MOVING PARTY: Echo Westley Dixon
☐ Plaintiff ☐ Defendant
☒ Appellant/Petitioner ☐ Appellee/Respondent
MOVING ATTORNEY: Echo Westley Dixon #00A6365

[name of attorney, with firm, address, phone number and e-mail]

Echo Westley Dixon #00A6365
Appellant/Petitioner Pro Se
Coxsackie Correctional Facility
P.O. Box 999
Coxsackie, New York 12051-0999

Dixon
Appellant/Petitioner



McGinnis,
Respondent.

OPPOSING PARTY: District Attorney of
Bronx CountyOPPOSING ATTORNEY [Name]: D.A. Bronx County

[name of attorney, with firm, address, phone number and e-mail]

198 East 161st Street
Bronx, New York 10451

Court-Judge/Agency appealed from: District Court, Southern District of New York, Honorable Victor Marrero

Please check appropriate boxes:

Has consent of opposing counsel:

A. been sought? ☐ Yes ☒ No
 B. been obtained? ☐ Yes ☒ No

Is oral argument requested? ☒ Yes ☐ No

(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? ☐ Yes ☒ No

If yes, enter date

Signature of Moving Attorney:

Echo W. Dixon
Catherine O'Hagan Wolfe, Clerk
SECOND CIRCUIT
12/26/07

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? ☒ Yes ☐ NoHas this relief been previously sought in this Court? ☐ Yes ☒ No

Requested return date and explanation of emergency:

Indictment of Petitioner/Appellant bears
an ens legis/fictitious name. Therefore, an
appeal may be unnecessary or in alternative
held in abeyance if filing fee has commenced
to my facility account.

Has service been effected? ☐ Yes ☒ No

[Attach proof of service]

to ~~district court~~ construed as a motion to withdraw and
IT IS HEREBY ORDERED THAT the motion is GRANTED DENIED.

by E. Joerns Martin OCT 16 2007
DEPUTY CLERK

FOR THE COURT: CATHERINE O'HAGAN WOLFE, Clerk of Court

By: Cly Minure
Sup. Staff Atty.

Form T-1086 (Revised 10/31/02).

Issued as Mandate:

OCT 17 2007

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☒ Appellant/Petitioner ☐ Appellee/Respondent

MOVING ATTORNEY: Echo Westley Dixon #00A6365

[name of attorney, with firm, address, phone number and e-mail]

Echo Westley Dixon #00A6365
Appellant/Petitioner Pro Se
Coxsackie Correctional Facility
P.O. Box 999
Coxsackie, New York 12051-0999

OPPOSING PARTY: District Attorney of
Bronx County

OPPOSING ATTORNEY [Name]: D.A. Bronx County

[name of attorney, with firm, address, phone number and e-mail]

198 East 161st Street
Bronx, New York 10451

Court-Judge/Agency appealed from: District Court, Southern District of New York, Honorable Victor Marrero

Please check appropriate boxes: **THE MANDATE CONSISTING OF**
ITEMS BELOW, HAS BEEN RECEIVED

Has consent of opposing counsel: **OPINION () STATEMENT OF COSTS**

A. been sought? ☒ **ORDER** ☐ Yes ☒ No
B. been obtained? ☐ Yes ☒ **DATE**

RECEIVED BY:

Is oral argument requested? ☒ Yes ☐ No

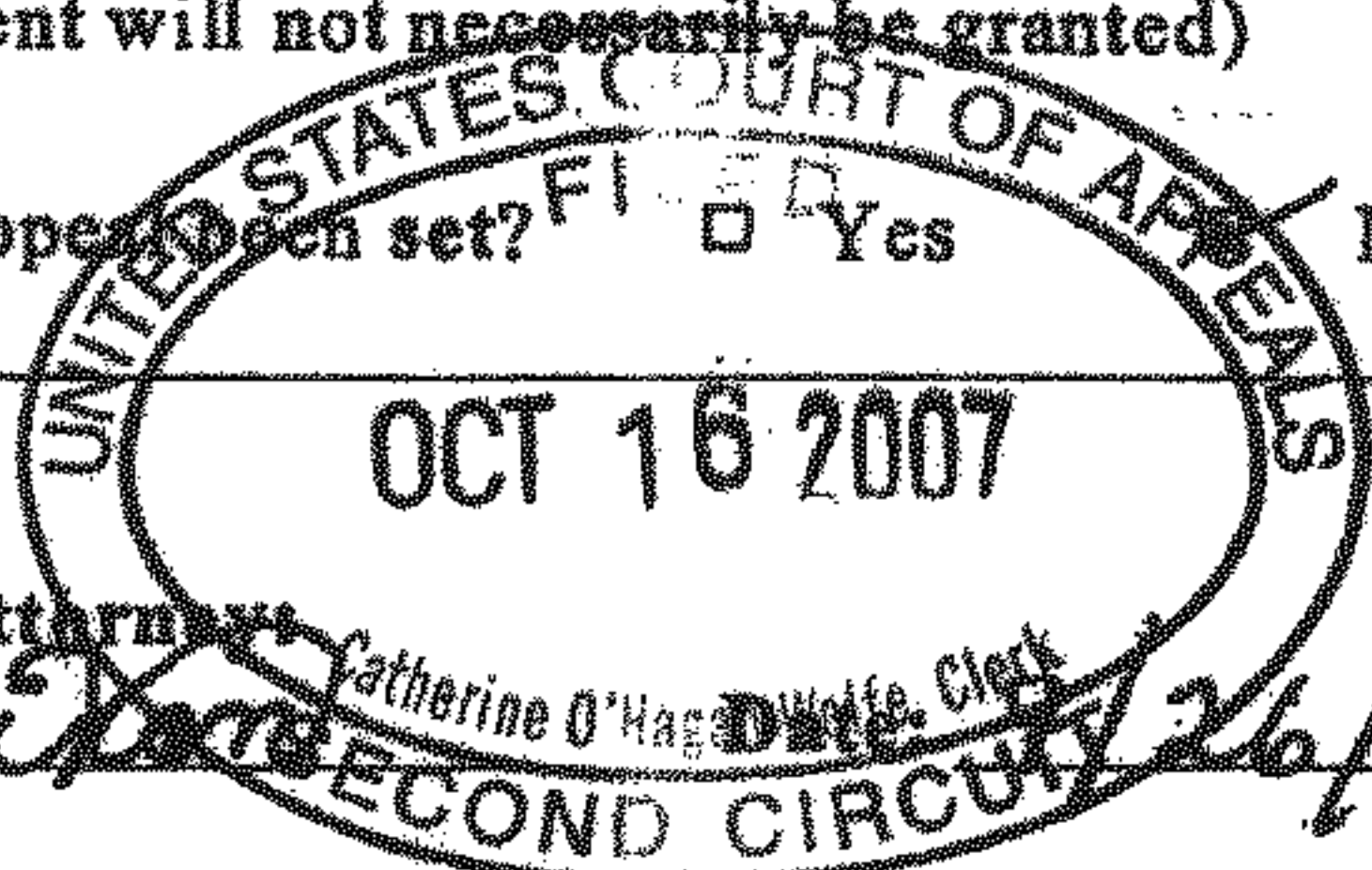
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Signature of Moving Attorney:

Echo W. Dixon 12/26/07



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[Attach proof of service]

ORDER
to dismiss is construed as a motion to withdraw and
IT IS HEREBY ORDERED THAT the motion is **GRANTED** **DENIED**

OCT 16 2007

Date:

FOR THE COURT:

CATHERINE O'HAGAN WOLFE, Clerk of Court

By: C. J. Minure
Sup. Staff Atty.